

S
324.2
L12R
1976
1

PLEASE RETURN
ate of Montana

MONTANA STATE LIBRARY
740 East Lyndale Avenue
Helena, Montana 59601



**RULES
AND
REGULATIONS
FOR
Candidates and Political Committees**

**ADOPTED BY THE
COMMISSIONER OF CAMPAIGN
FINANCES AND PRACTICES**

REVISED JANUARY 14, 1976

**JOHN N. HANSON
COMMISSIONER OF CAMPAIGN
FINANCES AND PRACTICES**

**P.O. BOX 39
CAPITOL STATION
HELENA, MONTANA 59601
Phone: (406) 449-2942**



3 0864 1004 2467 3

Sub-Title 3

CHAPTER 10

COMMISSIONER OF CAMPAIGN FINANCES AND PRACTICES

Sub-Chapter 1

Organizational Rule

Section 44-3.10(1)-O1000 Organizational Rule

Sub-Chapter 2

Procedural Rule

Section 44-3.10(2)-P1010 Incorporation of Model Rules, In Part

Sub-Chapter 6

General Policy and Definitions

Section 44-3.10(6)-S1017	Terms and References
44-3.10(6)-S1020	Liberal Construction of Regulations
44-3.10(6)-S1030	Practice Where Regulations Do Not Govern
44-3.10(6)-S1035	Complaints of Violations
44-3.10(6)-S1040	Copying of Public Records
44-3.10(6)-S1050	Special Provisions for 1976
44-3.10(6)-S1060	Contribution-Definition
44-3.10(6)-S1070	Aggregate Contribution-Definition
44-3.10(6)-S1080	Expenditure-Definition
44-3.10(6)-S1090	Political Committee-Definition
44-3.10(6)-S10100	Political Committee, Types
44-3.10(6)-S10110	Political Committee, Classification

SECRETARY OF STATE

Sub-Chapter 10

Campaign Finance Reports, Reporting, and Records

Section 44-3.10(10)-S10120	Reports and Statements, Filing
44-3.10(10)-S10125	Amendments, Reporting
44-3.10(10)-S10130	Statement of Candidate, Statement of Political Committee
44-3.10(10)-S10140	Statement of Organization, Information Required
44-3.10(10)-S10150	Affidavit by Local Candidate or Political Committee Not Anticipating Contributions or Expenditures in Excess of Five Hundred Dollars (\$500)
44-3.10(10)-S10160	Political Committee Influencing Elections on More than One Level, Filing Schedule
44-3.10(10)-S10170	Incidental Political Committee, Filing Schedule, Reporting
44-3.10(10)-S10180	Initial Report
44-3.10(10)-S10190	Closing Date of Books
44-3.10(10)-S10200	Reporting Period
44-3.10(10)-S10210	Deposits and Expenditures, Only by Campaign Treasurer, Through Depository
44-3.10(10)-S10220	Cash Contribution, Receipt
44-3.10(10)-S10230	Contribution, Commingling with Personal Funds
44-3.10(10)-S10240	Transfer of Contribution to Campaign Treasurer
44-3.10(10)-S10250	Contributions, Reporting
44-3.10(10)-S10260	In-Kind Contribution, Reporting

SECRETARY OF STATE

- Section 44-3.10(10)-S10270 Debts and Obligations Owed to a
Candidate or Political Committee,
Reporting
- 44-3.10(10)-S10280 Loans as Contributions, Reporting
- 44-3.10(10)-S10290 Expenditure Encouraged to Avoid
Contribution, Reporting

COMMISSIONER OF CAMPAIGN
FINANCES AND PRACTICES

44-3.10(1)-01000

Section 44-3.10(10)-S10300	Earmarked Contribution, Reporting
44-3.10(10)-S10310	Itemized Accounts of Proceeds, Reporting
44-3.10(10)-S10320	Contribution, When Made
44-3.10(10)-S10330	Aggregate Contributions, Reporting
44-3.10(10)-S10340	Expenditures, Reporting
44-3.10(10)-S10350	In-Kind Expenditure, Reporting
44-3.10(10)-S10360	Reporting of Debts and Obligations Owed by a Candidate or Political Committee
44-3.10(10)-S10370	Expenditure, When Made
44-3.10(10)-S10380	Uniform System of Accounts
44-3.10(10)-S10390	Records and Accounts of Treasurer
44-3.10(10)-S10400	Authorization of Deputy Campaign Treasurer
44-3.10(10)-S10410	Preservation of Reports and Statements

Sub-Chapter 1

Organizational Rule

44-3.10(1)-01000 ORGANIZATIONAL RULE (1) Organization of the Office of the Commissioner of Campaign Finances and Practices.

(a) History The position of the Commissioner of Campaign Finances and Practices was created by the Legislature in 1975.

(b) Administrative Attachment The Office of the Commissioner of Campaign Finances and Practices is attached to the Office of the Secretary of State for the following administrative purposes only:

(i) The Office of the Secretary of State shall collect all revenues for the agency and deposit them in the proper fund or account; except as provided in section 82A-1603(6), R.C.M. 1947, the Office of the Secretary of State may not use or divert the revenues from the fund or account for purposes other than provided by law.

(ii) The Secretary of State shall allocate office space as necessary, subject to the approval of the Department of Administration.

(c) Commissioner The Commissioner of Campaign Finances and Practices is appointed for a term of five years and may be removed pursuant to section 23-4785, R.C.M. 1947.

(2) Functions of the Commissioner The Commissioner of Campaign Finances and Practices is to establish clear and consistent requirements for the full disclosure and reporting of the sources and disposition of funds used in Montana to support or oppose candidates, political committees, or issues, and in conjunction with the county attorneys, to enforce the election and campaign finance laws as specified in Title 23, R.C.M. 1947. The powers and duties of the Commissioner are provided in section 23-4786, R.C.M. 1947.

(3) Information or Submission Any inquiries regarding the commission, hearings, and participation in rule making may be addressed to the Commissioner of Campaign Finances and Practices.

(4) Personnel Roster John N. Hanson, Commissioner of Campaign Finances and Practices, Capitol Station, Helena, Montana 59601. (History: Sec. 23-4786(14), R.C.M. 1947; IMP, Sec. 82-4203(1)(a), R.C.M. 1947; EMERG, Order MAC No. 44-3-1; Adp. 7/30/75; Eff. 8/1/75; NEW, MAC Notice No. 44-3-10-1; Order MAC No. 44-3-10-2; Adp. 11/13/75; Eff. 1/1/76.)

Sub-Chapter 2

Procedural Rule

44-3.10(2)-P1010 INCORPORATION OF MODEL RULES, IN PART

(1) The Commissioner of Campaign Finances and Practices herein adopts and incorporates the Attorney General's Model Procedural Rules 1 through 12 by reference to such rules as stated in MAC 1-1.6(2)-P650 through MAC 1-1.6(2)-P6060 and the Attorney General's Model Procedural Rules 28 through 34 by reference to such as stated in MAC 1-1.6(2)-P6220 through MAC 1-1.6(2)-P6280 in cases when a formal declaratory ruling proceeding is requested by a person through the filing of a petition as prescribed in MAC 1-1.6(2)-P6230. In all other cases, the Commissioner will issue declaratory rulings, designated as "advisory opinions" under the following procedure:

(a) A person desiring an interpretation to determine the applicability of a rule or statute administered by the Commissioner to the person's activity or proposed activity may request an advisory opinion. All requests for an advisory opinion shall be in writing and shall contain:

(i) The identity, address, and signature of the person requesting the opinion.

(ii) A complete statement of the facts and circumstances upon which the Commissioner is to base an opinion.

(iii) The rule or statute for which the person seeks an opinion.

(iv) The specific question presented for decision by the Commissioner.

(b) Within a reasonable time after the receipt of a request for an advisory opinion, the Commissioner shall consider the request and, based upon the facts presented in the request, prepare an opinion in writing, except as provided in (i) of this subsection. Prior to rendering an advisory opinion, the Commissioner shall give notice of a call for a meeting to consider the opinion. The Commissioner shall give the notice in a manner which will provide wide public dissemination.

(i) The Commissioner will not issue an advisory opinion, but will notify the inquirer of the determination, when:

(aa) The issue is the subject of pending litigation.

(ab) A prior opinion has been rendered that addresses the facts and question presented in a subsequent request.

(ac) The facts are inadequate for a determination.

(c) The meeting to consider an advisory opinion will be informal and open to the public. An interested person may present his or her viewpoint or advise.

(d) An advisory opinion will be rendered upon the facts submitted in the request and over the signature of the Commissioner. A copy of the opinion will be mailed to the inquirer and published in a manner which will provide wide public dissemination. The Commissioner will maintain an index of all opinions and will make an opinion available without charge and upon request.

(e) An advisory opinion rendered in accordance with this rule is binding between the Commissioner and the inquirer on the state of facts alleged in the written request. A person desiring judicial review of an advisory opinion shall file a formal petition for declaratory ruling, in order to create the necessary prerequisite for a contested case hearing.

(f) A later advisory opinion or declaratory ruling overrules an earlier advisory opinion with which it is necessarily in conflict. (History: Sec. 23-4786(14), R.C.M. 1947; IMP, Sec. 82-4203, R.C.M. 1947; NEW, MAC Notice No. 44-3-10-1; Order MAC No. 44-3-10-2; Adp. 11/13/75; Eff. 1/1/76; AMD, MAC Notice No. 44-3-10-3; Order MAC No. 44-3-10-3; Adp. 1/14/76; Eff. 2/6/76.)

Sub-Chapter 6

General Policy and Definitions

44-3.10(6)-S1017 TERMS AND REFERENCES (1) Terms used in these rules shall be construed, unless the meaning is clearly apparent from the language or context, or unless such construction is inconsistent with the intent of the law, to mean:

(a) The statutory definitions as set forth in Title 23, chapter 47, R.C.M. 1947; and

(b) The definitions as set forth in these rules.

(2) All statutory references in these rules refer to the Revised Codes of Montana, 1947, unless otherwise indicated. (History: Sec. 23-4786(14), R.C.M. 1947; NEW, MAC Notice No. 44-3-10-2; Order MAC No. 44-3-10-3; Adp. 1/14/76; Eff. 2/6/76.)

44-3.10(6)-S1020 LIBERAL CONSTRUCTION OF REGULATIONS

(1) These rules shall be liberally construed to permit the Commissioner to discharge the statutory functions of the office and to secure a just and speedy determination of all matters before him. (History: Sec. 23-4786(14), R.C.M. 1947; NEW, MAC Notice No. 44-3-10-1; Order MAC No. 44-3-10-2; Adp. 11/13/75; Eff. 1/1/76.)

COMMISSIONER OF CAMPAIGN
FINANCES AND PRACTICES

44-3.10(6)-S1040

44-3.10(6)-S1030 PRACTICE WHERE REGULATIONS DO NOT GOVERN (1) In any matter not governed by these regulations, the Commissioner shall exercise his discretion so as to execute the purposes of the act, without exceeding the statutory authority of the act. (History: Sec. 23-4786(14), R.C.M. 1947; NEW, MAC Notice No. 44-3-10-1; Order MAC No. 44-3-10-2; Adp. 11/13/75; Eff. 1/1/76.)

44-3.10(6)-S1035 COMPLAINTS OF VIOLATIONS (1) Pursuant to section 23-4786(13), a person who believes a violation of a provision of Title 23, R.C.M. 1947, or a rule or regulation has occurred may file a written complaint in person or by certified mail with the Commissioner. When a complaint is received, it shall be marked to show the date of receipt. Within five (5) days after receipt of a complaint, the Commissioner shall, by certified mail, acknowledge its receipt and transmit a copy to the alleged violator.

(2) There is no prescribed form for a complaint, but a complaint shall be typewritten or legibly handwritten in ink. The complete name and mailing address of the person filing the complaint shall be typewritten or legibly hand printed on the complaint; and the complaint shall be signed and verified by the oath of affirmation of such person, taken before any officer authorized to administer oaths. A complaint shall name the alleged violator and describe in detail the alleged violation; and it shall be filed together with any evidentiary material.

(3) Upon receipt of a complaint, the Commissioner shall investigate, except as provided in (3)(i) of this rule, the alleged violation. The Commissioner, upon completion of the investigation, shall prepare a written statement of findings and a summary of facts, which he shall send to the complainant and the alleged violator. Following the issuance of a statement of findings and a summary of facts, the Commissioner may take other appropriate action.

(i) No investigation shall be required if a complaint is frivolous on its face, illegible, too indefinite, does not identify the alleged violator, is unsigned, or is not verified by the oath of affirmation of such person, taken before any officer authorized to administer oaths.

(4) A filed complaint and the statement of findings and summary of facts shall be public record. (History: Sec. 23-4786(14), R.C.M. 1947; IMP, Sec. 23-4786(13), R.C.M. 1947; NEW, MAC Notice No. 44-3-10-2; Order MAC No. 44-3-10-3; Adp. 1/14/76; Eff. 2/6/76.)

44-3.10(6)-S1040 COPYING OF PUBLIC RECORDS (1) The Commissioner shall charge a fee of ten cents (\$.10) per page of copy for providing copies of public records. This charge is the amount necessary to reimburse the office for its actual

COMMISSIONER OF CAMPAIGN
FINANCES AND PRACTICES

44-3.10(6)-S1050

costs incident to such copying. (History: Sec. 23-4786(14) and (8), R.C.M. 1947; NEW, MAC Notice No. 44-3-10-1; Order MAC No. 44-3-10-2; Adp. 11/13/75; Eff. 1/1/76.)

44-3.10(6)-S1050 SPECIAL PROVISIONS FOR 1976 (1) Retroactive reporting for elections held before January 1, 1976, is required as follows:

(a) An individual who is a candidate for election to any public office after April 20, 1975, and before January 1, 1976, and who has not finally closed his or her books as of January 1, 1976, is required to file reports pursuant to sections 23-4778 through 23-4781.

(b) A political committee which receives contributions or makes expenditures to support or oppose any candidate or issue or to influence the result of a local, district, or state election held after April 20, 1975, and before January 1, 1976, and which has not finally closed its books as of January 1, 1976, is required to file reports pursuant to sections 23-4778 through 23-4781 and MAC 44-3.10(10)-S10150, 44-3.10(10)-S10160, and 44-3.10(10)-S10170.

(2) Retroactive reporting for elections held after January 1, 1976, is required as follows:

(a) An individual who becomes a candidate for public office in an election held after January 1, 1976, is required to disclose in the initial report all contributions received and expenditures made after April 20, 1975.

(b) A political committee, the primary or incidental purpose of which is to support or oppose any candidate or issue or to influence the result of any election held after January 1, 1976, shall disclose in the initial report all contributions received and expenditures made after April 20, 1975.

(i) For the purposes of subsection (2)(a) and (b) of this rule, the contributions and expenditures shall be reported in the manner required by Title 23, chapter 47, and these rules. (History: Sec. 23-4786(14), R.C.M. 1947; IMP, Sec. 22, Chapter 480, Laws of Montana 1975; Sec. 23-4778(8)(a), R.C.M. 1947; EMERG, Order MAC No. 44-3-1; Adp. 7/30/75; Eff.

8/1/75; NEW, MAC Notice No. 44-3-10-1; Order MAC No. 44-3-10-2; Adp. 11/13/75; Eff. 1/1/76.)

44-3.10(6)-S1060 CONTRIBUTION-DEFINITION (1) For the purposes of Title 23, chapter 47, and these rules, the term "contribution" as defined in section 23-4777(6) includes, but is not limited to:

(a) Each contribution as listed in section 23-4779(2) through (8).

(b) The purchase of tickets or admissions to, or advertisements in journals or programs for testimonial or fund raising events, including, but not limited to dinners, luncheons, cocktail parties, and rallies held for the support or opposition of a candidate, issue, or political committee.

(c) A candidate's own money used on behalf of his candidacy, except as provided in section 23-4777(7)(b).

(d) An in-kind contribution, as defined in subsection (1)(d)(i) of this rule.

(i) The term "in-kind contribution" means the furnishing of services, property, or rights without charge or at a charge which is less than fair market value to a candidate or political committee for the purpose of supporting or opposing any candidate or political committee, except as provided in section 23-4777(6)(c) and (d).

(aa) An "in-kind contribution", as defined in subsection (1)(d)(i) of this rule, includes, but is not limited to:

(aaa) Forgiveness of any loan to or debt of a candidate or political committee.

(aab) Payment of a loan or other debt by a third person.

(aac) An expenditure made at the behest of a candidate or political committee, as specified in MAC 44-3.10(10)-S10290.

(2) The fact that the public office being sought by the individual is not known by the contributor or has not yet been determined by the potential candidate at the time that the contribution is made or the fact that a candidate and/or issue being supported or opposed by a political committee is not known by the contributor or has not yet been determined by a political committee at the time that the contribution is made has no effect on the determination or reporting of that contribution.

(3) The term "contribution" does not include:

(a) Filing fees paid for by the candidate.

(b) Interest on monies deposited in a campaign depository.

(c) The cost of any bona fide news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication of general circulation. (History: Sec. 23-4786(14), R.C.M. 1947; IMP, Sec. 23-4777(6), R.C.M. 1947; NEW, MAC Notice No. 44-3-10-1; Order MAC No. 44-3-10-2; Adp. 11/13/75; Eff. 1/1/76.)

COMMISSIONER OF CAMPAIGN FINANCES AND PRACTICES 44-3.10(6)-S1080

44-3.10(6)-S1070 AGGREGATE CONTRIBUTION-DEFINITION

(1) For the purposes of section 23-4795, the term "aggregate contribution" means a total of all the following enumerated contributions for all elections in a campaign made by an individual, independent committee, or candidate and his or her immediate family to a candidate and political committees which are organized on behalf of a candidate or controlled, either directly or indirectly, by a candidate or candidate's committee, and which act jointly with a candidate or candidate's committee in conjunction with the making of expenditures or accepting contributions:

(a) All contributions, as defined in MAC 44-3.10(6)-S1050.

(b) All earmarked contributions, as defined in MAC 44-3.10(10)-S10300, subsection (1).

(c) All expenditures encouraged in order to avoid a contribution, as specified in MAC 44-3.10(10)-S10290.

(2) For the purpose of determining the total aggregate contribution as specified in subsection (1) of this rule, a contribution made to a multicandidate political committee, other than an independent committee, is considered a contribution by an individual, independent committee, or a candidate to each of the candidates in an amount proportional to the total number of candidates, unless otherwise specified by the contributor at the time of the contribution. (History: Sec. 23-4786(14), R.C.M. 1947; IMP, Sec. 23-4795, R.C.M. 1947; NEW, MAC Notice No. 44-3-10-1; Order MAC No. 44-3-10-2; Adp. 11/13/75; Eff. 1/1/76; AMD, MAC Notice No. 44-3-10-3; Order MAC No. 44-3-10-3; Adp. 1/14/76; Eff. 2/6/76.)

44-3.10(6)-S1080 EXPENDITURE-DEFINITION (1) For the purposes of Title 23, chapter 47, and these rules, the term "expenditure" as defined in section 23-4777(7) includes, but is not limited to:

(a) Each expenditure as listed in section 23-4779(10) through (15).

(b) Expenses incurred by a candidate or political committee with respect to polls, surveys, and the solicitation of funds.

(c) Expenses incurred in support of or opposition to the drafting, printing, distribution and collection of signatures for any petition for nomination to office or petition for referendum or initiative.

(d) A candidate's own expenses, except as provided in section 23-4777(7)(b).

(e) Payment of interest on a loan or other credit received.

(f) An in-kind expenditure, as defined in subsection (1)(f)(i) of this rule.

COMMISSIONER OF CAMPAIGN FINANCES AND PRACTICES 44-3.10(6)-S1080

(i) The term "in-kind expenditure" means the furnishing of services, property, or rights of a candidate or political committee without charge or at a charge which is less than fair market value to a person, candidate, or political committee for the purpose of supporting or opposing any person, candidate, or political committee, except as provided in section 23-4777(6)(c) and section 23-4777(7)(a).

(aa) An "in-kind expenditure", as defined in (1)(f)(i) of this rule, includes, but is not limited to:

(aaa) Forgiveness of any loan or debt owed to a candidate or political committee.

(2) The term "expenditure" does not include:

(a) Filing fees paid for by the candidate.

(b) The costs of any bona fide news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other general periodical publication of general circulation. (History: Sec. 23-4786(14), R.C.M. 1947; IMP, Sec. 23-4777(7), R.C.M. 1947; NEW, MAC Notice No. 44-3-10-1; Order MAC No. 44-3-10-2; Adp. 11/13/75; Eff. 1/1/76.)

44-3.10(6)-S1090 POLITICAL COMMITTEE-DEFINITION (1)

The term "political committee" as defined in section 23-4777 (9) includes any combination of two or more individuals, or a person other than individual, supporting or opposing any petition for nomination to office or petition for referendum or initiative.

(2) The fact that the identity and/or number of specific candidates or issues to support or oppose has not been determined at the time of the formation of any political committee does not exclude it from the definition of political committee.

(3) A candidate and his or her campaign treasurer does not constitute a political committee. The campaign treasurer, while performing the statutory duties of a campaign treasurer, is the agent of the candidate.

(4) If a political committee has subdivisions within the state, such as county committees, which have authority to receive contributions and make expenditures independent of the parent political committee, each subdivision is considered a separate political committee for purposes of Title 23, chapter 47, and these rules. (History: Sec. 23-4786(14), R.C.M. 1947; Sec. 23-4779(16), R.C.M. 1947; IMP, Sec. 23-4777(9), R.C.M. 1947; NEW, MAC Notice No. 44-3-10-1; Order MAC No. 44-3-10-2; Adp. 11/13/75; Eff. 1/1/76.)

44-3.10(6)-S10100 POLITICAL COMMITTEE, TYPES (1) For purposes of Title 23, chapter 47, political committees shall be of two types:

(a) Primary political committee.

(b) Incidental political committee.

(2) These types of political committees are defined as follows:

(a) A primary political committee is a combination of two or more individuals, or a person other than an individual, the primary purpose of which is to support or oppose a candidate and/or issue or to influence the result of an election by any expenditure made on behalf of a candidate, issue, or political committee.

(i) "Primary purpose" shall be determined upon such criteria as allocation of budget, staff or member's activity, and the statement of purpose or goals of the individuals or person.

(b) An incidental political committee is a combination

44-3.10(6)-S10100 SECRETARY OF STATE

44-3.10(6)-S10100 POLITICAL COMMITTEE, TYPES (1) For purposes of Title 23, chapter 47, political committees shall be of two types:

(a) Primary political committee.

(b) Incidental political committee.

(2) These types of political committees are defined as follows:

(a) A primary political committee is a combination of two or more individuals, or a person other than an individual, the primary purpose of which is to support or oppose a candidate and/or issue or to influence the result of an election by any expenditure made on behalf of a candidate, issue, or political committee.

(i) "Primary purpose" shall be determined upon such criteria as allocation of budget, staff or member's activity, and the statement of purpose or goals of the individuals or person.

(b) An incidental political committee is a combination

(b) The costs of any bona fide news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other general periodical publication of general circulation.

(c) The cost of any communication by any membership organization to its members, so long as such organization is not a primary political committee. (History: Sec. 23-4786(14), R.C.M. 1947; IMP, Sec. 23-4777(7), R.C.M. 1947; NEW, MAC Notice No. 44-3-10-1; Order MAC No. 44-3-10-2; Adp. 11/13/75; Eff. 1/1/76; AMD, MAC Notice No. 44-3-10-5; Order MAC No. 44-3-10-4; Adp. 4/15/76; Eff. 5/7/76.)

44-3.10(6)-S1090 POLITICAL COMMITTEE-DEFINITION (1)

For the purposes of the definition of "political committee" as defined in section 23-4777(9), any combination of two or more individuals, or a person other than an individual, is a political committee if it makes an expenditure:

(a) To or on behalf of a candidate or a committee organized to support or oppose a candidate; or

(b) To support or oppose a ballot issue or a petition for nomination, initiative, or referendum; or

(c) To a committee organized to support or oppose a ballot issue or petition for nomination, initiative, or referendum; or

(d) As an earmarked contribution.

(i) Any combination of two or more individuals, or a person other than an individual, who receives an expenditure which is made in a manner as specified in subsection (1)(a) through (d), is a political committee and must report it as a contribution.

(2) The fact that the identity and/or number of specific candidates or issues to support or oppose has not been determined at the time of the formation of any political committee does not exclude it from the definition of political committee.

(3) A candidate and his or her campaign treasurer do not constitute a political committee. The campaign treasurer, while performing the statutory duties of a campaign treasurer, is the agent of the candidate.

(4) If a political committee has subdivisions within the state, such as county committees, which have authority to receive contributions and make expenditures independent of the parent political committee, each subdivision is considered a separate political committee for purposes of Title 23, chapter 47, and these rules. (History: Sec. 23-4786(14), R.C.M. 1947; Sec. 23-4779(16), R.C.M. 1947; IMP, Sec. 23-4777(9), R.C.M. 1947; NEW, MAC Notice No. 44-3-10-1; Order MAC No. 44-3-10-2; Adp. 11/13/75; Eff. 1/1/76; AMD, MAC Notice No. 44-3-10-5; Order MAC No. 44-3-10-4; Adp. 4/15/76; Eff. 5/7/76.)

COMMISSIONER OF CAMPAIGN 44-3.10(10)-S10120
FINANCES AND PRACTICES

of two or more individuals, or a person other than an individual, an incidental purpose of which is to support or oppose a candidate and/or issue or to influence the result of an election by any expenditure made on behalf of a candidate, issue, or political committee.

(i) "Incidental purpose" shall be determined upon such criteria as allocation of budget, staff or member's activity, and the statement of purpose or goals of the individuals or person. (History: Sec. 23-4786(14), R.C.M. 1947; Sec. 23-4780(3), R.C.M. 1947; IMP, Sec. 23-4777(9), R.C.M. 1947; NEW, MAC Notice No. 44-3-10-1; Order MAC No. 44-3-10-2; Adp. 11/13/75; Eff. 1/1/76.)

44-3.10(6)-S10110 POLITICAL COMMITTEE, CLASSIFICATION

(1) The Commissioner shall classify a political committee upon the basis of information provided on the Statement of Organization which is set forth in MAC 44-3.10(10)-S10140 and which is required to be filed by a political committee pursuant to MAC 44-3.10(10)-S10130. The Commissioner shall notify, in writing, a political committee of its classification.

(2) The political committee shall be classified as one of the types of political committee specified in MAC 44-3.10(6)-S10100.

(3) The Commissioner may, in writing, reclassify a political committee if the status of that committee should change pursuant to MAC 44-3.10(10)-S10130, subsection (4), or pursuant to subsection (5) of this rule.

(4) If the Commissioner, based upon the information provided on the Statement of Organization, is unable to classify a political committee, additional information may be requested by the Commissioner. If additional information is requested, a political committee shall provide the requested information within ten (10) days after its receipt of the request.

(5) A political committee, after it has received notice of its classification, may wish to supply additional information and request to be reclassified. (History: Sec. 23-4786(14), R.C.M. 1947; Sec. 23-4780(3), R.C.M. 1947; NEW, MAC Notice No. 44-3-10-1; Order MAC No. 44-3-10-2; Adp. 11/13/75; Eff. 1/1/76.)

Sub-Chapter 10

Campaign Finance Reports, Reporting, and Records

44-3.10(10)-S10120 REPORTS AND STATEMENTS, FILING (1)

Each statement and report required by Title 23, chapter 47, and these rules shall be filed on forms prescribed by the Commissioner, except as provided in subsection (3) of this rule. The forms may be obtained without cost and upon request from

the Commissioner of Campaign Finances and Practices, P. O. Box 39, Capitol Station, Helena, Montana 59601, telephone (406) 449-2942.

(2) All statements and reports required by Title 23, chapter 47, and these rules are filed with the appropriate county clerk and recorder, as specified in section 23-4778 and subsection (2)(a) of this rule, and the Commissioner, except as provided in subsection (3) of this rule.

(a) Statements and reports filed by a candidate for district court judge are filed with the Commissioner and with the county clerk and recorder of the county in which the election is held. If the election is held in more than one county, reports are filed with the county clerk and recorder at the county seat with the greatest population based upon the latest direct enumeration of the inhabitants thereof taken under the direction of the Congress of the United States or made by the state or municipality.

(b) Each statement and report filed shall be a legible notarized copy bearing an original signature of the individual filing the statement or report.

(c) A statement or report is filed if it is delivered to the Commissioner and the appropriate county clerk and recorder before 5:00 p.m. on the prescribed filing date or if it is deposited as certified mail in an established U. S. Post Office, postage pre-paid, no later than 5:00 p.m. three (3) days before the prescribed filing date.

(i) A delivered statement or report shall be acknowledged by a dated receipt.

(3) For the purposes of section 23-4778(2), a recognized statewide political party is not required to file the reports specified in section 23-4778 if it files reports pursuant to federal law which fully disclose the source and disposition of funds used in supporting or opposing a candidate and/or political committee and/or issue in local and/or state district and/or statewide elections. In such instances, a statewide political party shall file a copy of the reports filed pursuant to the requirements of federal law. A copy of the reports shall be filed with the Commissioner pursuant to the filing dates required by federal law. (History: Sec. 23-4786(14), R.C.M. 1947; Sec. 23-4778(1) and (7), R.C.M. 1947; IMP, Sec. 23-4778, R.C.M. 1947; Sec. 23-4780(1), R.C.M. 1947; Sec. 23-4786(4), R.C.M. 1947; NEW, MAC Notice No. 44-3-10-1; Order MAC No. 44-3-10-2; Adp. 11/13/75; Eff. 1/1/76.)

44-3.10(10)-S10125 AMENDMENTS, REPORTING (1) Amendments correcting a report filed for a previous reporting period shall be filed with the next report following the date of the event prompting the change in reported information or the date upon which the person filing the report became aware of the inaccuracy. The change or correction shall identify the

reporting period, form, schedule, and section containing the information to be changed or corrected and the reason for the change or correction.

(2) "Reporting period" is defined in MAC 44-3.10(10)-S10200. (History: Sec. 23-4779(16), R.C.M. 1947; Sec. 23-4786(14), R.C.M. 1947; NEW, MAC Notice No. 44-3-10-2; Order MAC No. 44-3-10-3; Adp. 1/14/76; Eff. 2/6/76.)

44-3.10(10)-S10130 STATEMENT OF CANDIDATE, STATEMENT OF POLITICAL COMMITTEE (1) A candidate shall file a Statement of Candidate certifying the full name and complete address of the campaign treasurer, primary depository, and deputy campaign treasurer and secondary depository (if any) with the appropriate filing officers as specified in MAC 44-3.10(10)-

COMMISSIONER OF CAMPAIGN 44-3.10(10)-S10140
FINANCES AND PRACTICES

S10120, subsection (2). The candidate must file this statement within five (5) days after the date of his or her filing for office.

(a) For the purposes of subsection (1) of this rule, a candidate may designate his or her regular bank as a campaign depository, but may not utilize his or her regular or personal account in the depository for the purpose of depositing contributions or making expenditures.

(2) A political committee shall file a Statement of Organization requesting classification and certifying the full name and complete address of its officers, campaign treasurer, primary depository, deputy campaign treasurer and secondary depository (if any), and the other information specified in MAC 44-3.10(10)-S10140 with the appropriate filing officers as specified in MAC 44-3.10(10)-S10120, subsection (2). The organizational statement must be filed before a political committee receives a contribution or makes an expenditure, except as provided in subsection (2)(a) of this rule.

(a) A political committee which is in existence as of the effective date of this rule shall file a Statement of Organization within thirty (30) days after the effective date of this rule.

(b) For the purposes of subsection (2) of this rule, an incidental political committee may designate its regular bank as a campaign depository and may utilize its regular account or establish separate accounts in the depository for the purpose of depositing contributions or making expenditures.

(4) Any material change in information previously submitted in a Statement of Candidate or Statement of Organization shall be reported on the forms provided, certified, and filed with the appropriate filing officers within five (5) days after the change. (History: Sec. 23-4786(14), R.C.M. 1947; IMP, Sec. 23-4781(1) and (6), R.C.M. 1947; NEW, MAC Notice No. 44-3-10-1; Order MAC No. 44-3-10-2; Adp. 11/13/75; Eff. 1/1/76.)

44-3.10(10)-S10140 STATEMENT OF ORGANIZATION, INFORMATION REQUIRED (1) A Statement of Organization required to be filed pursuant to section 23-4781 and MAC 44-3.10(10)-S10130, subsection (2), shall include, but not be limited to:

(a) The complete name and address of a political committee.

(b) The complete names and address of all related or affiliated political committees, and the nature of the relationship or affiliation.

(c) The geographic area, purpose and jurisdiction of a committee.

(d) The complete name and address of its campaign treasurer and campaign depository, and the complete name and address of its deputy campaign treasurer and secondary campaign depository, if any.

(e) The complete names, addresses, and titles of its officers, if any.

(f) A statement of whether a committee is incorporated.

(g) A statement of whether a committee is a continuing one or the expected period of existence of a committee.

(h) The name, office sought, and party affiliation (if any) of each candidate whom a committee is supporting or opposing; if a committee is supporting the entire ticket of any party, the name of the party.

(i) Ballot issue or issues concerned, if any, and whether a committee is in favor of or opposition to such issue or issues. (History: Sec. 23-4786(14), R.C.M. 1947; IMP, Sec. 23-4781(1), R.C.M. 1947; Sec. 23-4786(4), R.C.M. 1947; NEW, MAC Notice No. 44-3-10-1; Order MAC No. 44-3-10-2; Adp. 11/13/75; Eff. 1/1/76.)

44-3.10(10)-S10150 AFFIDAVIT BY LOCAL CANDIDATE OR POLITICAL COMMITTEE NOT ANTICIPATING CONTRIBUTIONS OR EXPENDITURES IN EXCESS OF FIVE HUNDRED DOLLARS (\$500) (1) For the purpose of section 23-4778(5), "an election" means all elections in a campaign in which a candidate or political committee participates by receiving contributions or making expenditures.

(2) If a local candidate or political committee, regardless of the number of local candidates or issues it is supporting or opposing, anticipates receiving contributions in a total amount of less than five hundred dollars (\$500) and anticipates expending funds in a total amount of less than five hundred dollars (\$500) for an election, the candidate or an officer of the political committee shall file an affidavit of such intent at the same time the Statement of Candidate or Statement of Organization is filed as required by MAC 44-3.10(10)-S10130.

(3) If a local candidate or an officer of a local political committee files an affidavit pursuant to subsection (2) of this rule and subsequently receives contributions in a total amount or makes expenditures in a total amount in excess of five hundred dollars (\$500) for an election, such candidate or officer shall, within five (5) days of the date when such expenditures or contributions exceed such amount, file an initial report disclosing all contributions and expenditures to that date and shall file all future reports required by section 23-4778(4). (History: Sec. 23-4786(14), R.C.M. 1947; IMP, Sec. 23-4778(5), R.C.M. 1947; NEW, MAC Notice No. 44-3-10-1; Order MAC No. 44-3-10-2; Adp. 11/13/75; Eff. 1/1/76.)

44-3.10(10)-S10160 POLITICAL COMMITTEE INFLUENCING ELECTIONS ON MORE THAN ONE LEVEL, FILING SCHEDULE (1) For the purpose of determining under which schedule to report, as provided in section 23-4778(3) through (5), a political committee supporting or opposing a candidate and/or political

COMMISSIONER OF CAMPAIGN 44-3.10(10)-S10170
FINANCES AND PRACTICES

committee and/or issue in a local and state district and/or statewide election, or any combination thereof, shall file reports on the dates specified under the schedule provided for the highest level of election, regardless of the total amount of contributions received or total amount of funds expended for an election. (History: Sec. 23-4786(14), R.C.M. 1947; IMP, Sec. 23-4778(3) through (5), R.C.M. 1947; NEW, MAC Notice No. 44-3-10-1; Order MAC No. 44-3-10-2; Adp. 11/13/75; Eff. 1/1/76.)

44-3.10(10)-S10170 INCIDENTAL POLITICAL COMMITTEE, FILING SCHEDULE, REPORTING (1) An incidental political committee shall file reports only for the reporting periods in which it receives contributions or makes expenditures on behalf of a candidate, issue, or political committee or for the purpose of directly or indirectly influencing the result of an election.

(2) An incidental political committee shall report contributions received and expenditures made on behalf of a candidate, issue, or political committee or to influence the results of an election in accordance with the requirements of MAC 44-3.10(10)-S10250 and 44-3.10(10)-S10340, with the following differences:

(a) If the incidental political committee is an organization which has as its principle source of income, the collection of dues, fees, subscriptions, or other sources of funds of a uniform amount from every member, it need not report the individual sources of the funds, unless the result of the following calculation equals more than twenty-five dollars (\$25) per person. Multiply the amount of the individual dues gained in a year, or whatever the period of membership paid for covers, whichever is greater, by the percentage of the total resources of the committee for the same period allocated to the influencing of elections; or

(b) If the incidental political committee is an organization which has as its principle source of income, the collection of dues, fees, subscriptions, or other sources of funds of varying amounts from members, it must report the sources of the income of twenty-five dollars (\$25) or more from each person or the committee may utilize the formula set forth in subsection (2)(a) of this rule.

(c) Contribution:

(i) The term "contribution" does not include:

(aa) Non-partisan activity of an incidental political committee which is designed to educate or to encourage individuals to register to vote, or to vote, and which does not favor any particular candidate, party, issue, or political committee.

(d) Expenditure:

(i) The term "expenditure" does not include:

(aa) The costs incurred with respect to non-partisan activity of an incidental political committee which is designed

COMMISSIONER OF CAMPAIGN
FINANCES AND PRACTICES

44-3.10(10)-S10170

committee and/or issue in a local and state district and/or statewide election, or any combination thereof, shall file reports on the dates specified under the schedule provided for the highest level of election, regardless of the total amount of contributions received or total amount of funds expended for an election. (History: Sec. 23-4786(14), R.C.M. 1947; IMP, Sec. 23-4778(3) through (5), R.C.M. 1947; NEW, MAC Notice No. 44-3-10-1; Order MAC No. 44-3-10-2; Adp. 11/13/75; Eff. 1/1/76.)

44-3.10(10)-S10170 INCIDENTAL POLITICAL COMMITTEE, FILING SCHEDULE, REPORTING (1) An incidental political committee shall file reports only for the reporting periods in which it receives contributions or makes expenditures to or on behalf of a candidate, issue, or political committee or for the purpose of directly or indirectly influencing the result of an election.

(2) An incidental political committee shall report contributions received and expenditures made to or on behalf of a candidate, issue, or political committee or to influence the results of an election in accordance with the requirements of MAC 44-3.10(10)-S10250 and 44-3.10(10)-S10340, with the following differences:

(a) If the incidental political committee is a firm, partnership, or other business entity, it need not report the original sources of the contributions so long as they were received in the normal course of business and were not gained, expressly or implicitly, for the purpose of being used, directly or indirectly, to influence an election.

(b) If the incidental political committee is an organization which has as its principle source of income, the collection of dues, fees, subscriptions, or other sources of funds of a uniform amount from every member, it need not report the individual sources of the funds, unless the result of the following calculation equals more than twenty-five dollars (\$25) per person. Multiply the amount of the individual dues gained in a year, or whatever the period of membership paid for covers, whichever is greater, by the percentage of the total resources of the committee for the same period allocated to the influencing of elections; or

(c) If the incidental political committee is an organization which has as its principle source of income, the collection of dues, fees, subscriptions, or other sources of funds of varying amounts from members, it must report the sources of the income of twenty-five dollars (\$25) or more from each person or the committee may utilize the formula set forth in subsection (2)(b) of this rule.

(d) Contribution:

(i) The term "contribution" does not include:

(aa) Non-partisan activity of an incidental political

committee which is designed to educate or to encourage individuals to register to vote, or to vote, and which does not favor any particular candidate, party, issue, or political committee.

(e) Expenditure:

(i) The term "expenditure" does not include:

(aa) The costs incurred with respect to non-partisan activity of an incidental political committee which is designed to educate or to encourage individuals to register to vote, or to vote, and which does not favor any particular candidate, party, issue, or political committee. (History: Sec. 23-4786 (14), R.C.M. 1947; Sec. 23-4780(3), R.C.M. 1947; NEW, MAC Notice No. 44-3-10-1; Order MAC No. 44-3-10-2; Adp. 11/13/75; Eff. 1/1/76; AMD, MAC Notice No. 44-3-10-5; Order MAC No. 44-3-10-4; Adp. 4/15/76; Eff. 5/7/76.)

44-3.10(10)-S10180 INITIAL REPORT (1) For the purposes of section 23-4778, "initial report" means the first report required to be filed by a candidate or political committee.

(a) For a candidate, the period covered begins on the date that the person first receives a contribution or makes an expenditure or gives consent for any other person to receive any contribution or make any expenditure, whichever is earlier, and ends on the closing date of books, as specified in MAC 44-3.10(10)-S10190, for the filing of the first pre-election report for an election at which the candidate's name appears on a ballot.

(b) For a political committee, the period covered begins on the date that the person first receives a contribution or makes an expenditure or gives consent for any other person to receive any contribution or make any expenditure, whichever is earlier, and ends on the closing date of books, as specified in MAC 44-3.10(10)-S10190, for the reporting period in which an expenditure, as specified in MAC 44-3.10(6)-S1090, subsections (1)(a) through (d), is made. The schedule of reporting depends on the level of election at which the committee participates, as specified in MAC 44-3.10(10)-S10160.

(2) If a candidate or political committee required to report by section 23-4778 received contributions or made expenditures before April 21, 1975, the effective date of the act, the candidate or political committee need only disclose, in the initial report, the amount of cash on hand and indebtedness as of April 20, 1975, for purposes of this act. (History: Sec. 23-4786(14), R.C.M. 1947; Sec. 23-4778(8)(a), R.C.M. 1947; NEW, MAC Notice No. 44-3-10-1; Order MAC No. 44-3-10-2; Adp. 11/13/75; Eff. 1/1/76; AMD, MAC Notice No. 44-3-10-5; Order MAC No. 44-3-10-4; Adp. 4/15/76; Eff. 5/7/76.)

44-3.10(10)-S10190 CLOSING DATE OF BOOKS (1) For the purposes of Title 23, chapter 47, and these rules, the "closing date of books" is the date on which the election report

44-3.10(10)-S10200 SECRETARY OF STATE

for any reporting period is to be complete as specified in subsection (2) of this rule.

(2) The pre-election and post-election reports required by section 23-4778 shall be complete as of ten (10) days before the filing date of a report, except that the report due five (5) days before an election from statewide candidates and political committees and the report due ten (10) days before an election from state district candidates and political committees and local candidates and political committees shall be complete as of five (5) days before the filing date. (History: Sec. 23-4786(14), R.C.M. 1947; Sec. 23-4778(6), R.C.M. 1947; NEW, MAC Notice No. 44-3-10-1; Order MAC No. 44-3-10-2; Adp. 11/13/75; Eff. 1/1/76.)

44-3.10(10)-S10200 REPORTING PERIOD (1) For the purposes of section 23-4779 and these rules, "reporting period" means the period beginning with the day after the closing date of books of the most recently filed report and ending with the closing date of books for the next report required to be filed. The closing date of books for a reporting period is

to educate or to encourage individuals to register to vote, or to vote, and which does not favor any particular candidate, party, issue, or political committee. (History: Sec. 23-4786 (14), R.C.M. 1947; Sec. 23-4780(3), R.C.M. 1947; NEW, MAC Notice No. 44-3-10-1; Order MAC No. 44-3-10-2; Adp. 11/13/75; Eff. 1/1/76.)

44-3.10(10)-S10180 INITIAL REPORT (1) For the purposes of section 23-4778, "initial report" means the first report required to be filed by a candidate or political committee. The period covered begins on the date that the person first receives contributions or makes expenditures, on the date that a political committee files a Statement of Organization, or on the date a candidate or political committee gives consent for any other person to receive any contribution or make any expenditure and ends on the closing date of books for the filing of the first report, as specified in MAC 44-3.10 (10)-S10190.

(2) If a candidate or political committee required to report by section 23-4778 received contributions or made expenditures before April 21, 1975, the effective date of the act, the candidate or political committee need only disclose, in the initial report, the amount of cash on hand and indebtedness after April 20, 1975, for purposes of this act. (History: Sec. 23-4786(14), R.C.M. 1947; Sec. 23-4778(8)(a), R.C.M. 1947; NEW, MAC Notice No. 44-3-10-1; Order MAC No. 44-3-10-2; Adp. 11/13/75; Eff. 1/1/76.)

44-3.10(10)-S10190 CLOSING DATE OF BOOKS (1) For the purposes of Title 23, chapter 47, and these rules, the "closing date of books" is the date on which the election report for any reporting period is to be complete as specified in subsection (2) of this rule.

(2) The pre-election and post-election reports required by section 23-4778 shall be complete as of ten (10) days before the filing date of a report, except that the report due five (5) days before an election from statewide candidates and political committees and the report due ten (10) days before an election from state district candidates and political committees and local candidates and political committees shall be complete as of five (5) days before the filing date. (History: Sec. 23-4786(14), R.C.M. 1947; Sec. 23-4778(6), R.C.M. 1947; NEW, MAC Notice No. 44-3-10-1; Order MAC No. 44-3-10-2; Adp. 11/13/75; Eff. 1/1/76.)

44-3.10(10)-S10200 REPORTING PERIOD (1) For the purposes of section 23-4779 and these rules, "reporting period" means the period beginning with the day after the closing date of books of the most recently filed report and ending with the closing date of books for the next report required to be filed. The closing date of books for a reporting period is

COMMISSIONER OF CAMPAIGN 44-3.10(10)-S10220
FINANCES AND PRACTICES

specified in MAC 44-3.10(10)-S10190. (History: Sec. 23-4786 (14), R.C.M. 1947; Sec. 23-4778(6), R.C.M. 1947; IMP, Sec. 23-4779, R.C.M. 1947; NEW, MAC Notice No. 44-3-10-1; Order MAC No. 44-3-10-2; Adp. 11/13/75; Eff. 1/1/76.)

44-3.10(10)-S10210 DEPOSITS AND EXPENDITURES, ONLY BY CAMPAIGN TREASURER, THROUGH DEPOSITORY (1) No contribution received or expenditure made by a candidate or political committee shall be deposited or expended except by the appointed campaign treasurer or duly authorized deputy treasurer through the designated primary or secondary depository.

(2) All funds received by the campaign treasurer shall be deposited as specified in section 23-4782, except that all funds received prior to and on the date for closing of books shall be deposited and reported to the filing officer for such reporting period.

(3) All expenditures, except as specified in subsection (3)(a) of this rule, shall be made by check drawn on the designated depository.

(a) Expenditures from the petty cash fund shall be by a receipt voucher designating the date the monies were withdrawn, the exact amount of the withdrawal and by whom the monies were withdrawn, the name of the person or vendor to whom the monies were paid, and the purpose for which the monies were used. The receipt vouchers shall be attached to the cancelled check which provided the monies for the petty cash fund for the period and shall be maintained as a permanent record of the treasurer.

(b) No check shall be drawn payable to the order of cash, except as specified in subsection (3)(b)(i) of this rule.

(i) Withdrawal of monies for the purpose of providing a petty cash fund shall be by check drawn on the primary depository and payable to the order of cash. (History: Sec. 23-4786(14), R.C.M. 1947; Sec. 23-4778(6), R.C.M. 1947; IMP, Sec. 23-4781(6), R.C.M. 1947; Sec. 23-4782, R.C.M. 1947; Sec. 23-4784, R.C.M. 1947; NEW, MAC Notice No. 44-3-10-1; Order MAC No. 44-3-10-2; Adp. 11/13/75; Eff. 1/1/76.)

44-3.10(10)-S10220 CASH CONTRIBUTION, RECEIPT (1) No candidate or political committee shall receive a cash contribution in excess of twenty-five dollars (\$25) unless the candidate or political committee prepares a receipt. Such receipt shall contain the following information:

(a) The full name and mailing address (occupation and principal place of business, if any) of the contributor.

(b) The date the contribution was received.

(c) The name of the person who received the contribution on behalf of the candidate or political committee.

(d) The exact amount of the contribution.

(2) The receipt described in subsection (1) is to be kept as a part of the treasurer's records as specified in

section 23-4782. (History: Sec. 23-4786(14), R.C.M. 1947; IMP, Sec. 23-4782, R.C.M. 1947; NEW, MAC Notice No. 44-3-10-1; Order MAC No. 44-3-10-2; Adp. 11/13/75; Eff. 1/1/76.)

44-3.10(10)-S10230 CONTRIBUTION, COMMINGLING WITH PERSONAL FUNDS (1) No contribution or other receipt (includes money) received by a candidate or a political committee shall be commingled with personal funds of the candidate or the candidate's treasurer or the treasurer or other officers or members of the political committee. (History: Sec. 23-4786(14), R.C.M. 1947; Sec. 23-4779(16), R.C.M. 1947; NEW, MAC Notice No. 44-3-10-1; Order MAC No. 44-3-10-2; Adp. 11/13/75; Eff. 1/1/76.)

44-3.10(10)-S10240 TRANSFER OF CONTRIBUTION TO CAMPAIGN TREASURER (1) Any candidate or agent of any candidate who receives a contribution on behalf of his candidacy shall, before the end of the fifth day, transfer it to the campaign treasurer with full disclosure of the source, as required by section 23-4779 and MAC 44-3.10(10)-S10300 and 44-3.10(10)-S10220.

(2) Any officer or agent of any political committee who receives a contribution on behalf of the political committee shall, before the end of the fifth day, transfer it to the campaign treasurer with full disclosure of the source, as required by section 23-4779 and MAC 44-3.10(10)-S10300 and 44-3.10(10)-S10220. (History: Sec. 23-4786(14), R.C.M. 1947; NEW, MAC Notice No. 44-3-10-1; Order MAC No. 44-3-10-2; Adp. 11/13/75; Eff. 1/1/76.)

44-3.10(10)-S10250 CONTRIBUTIONS, REPORTING (1) Each report required by section 23-4778 and MAC 44-3.10(10)-S10170 shall disclose all contributions in the manner required by sections 23-4778 through 23-4779 and these rules.

(2) The reporting periods specified in section 23-4778 (3) through (5) and provisions of MAC 44-3.10(10)-S10160 shall be used in determining the reporting schedule.

(3) The definitions of "initial report" and "reporting period", as specified in MAC 44-3.10(10)-S10180 and 44-3.10(10)-S10200, shall apply to the reporting of contributions.

(4) For the purposes of section 23-4778(3)(a) and (4)(a), the term "after the last pre-election report" means the period beginning with the day after the closing date of books for the last report before an election and ending with and including the day before the election.

(5) For the purposes of section 23-4778(3)(a), (4)(a), and (5), the report required to be filed within twenty-four (24) hours at any time after the last pre-election report shall be filed as follows:

(a) It shall be delivered within twenty-four (24)

hours after the receipt thereof, Sundays and holidays excepted, to the Commissioner's office and the appropriate county clerk and recorder; or

(b) It shall be deposited within twenty-four (24) hours after the receipt thereof, Sundays and holidays excepted, as certified mail in an established U. S. Post Office, postage pre-paid; and

(c) It shall be reported in the next required report.

(6) A joint contribution shall be deemed and reported as a contribution from each of the contributors in an amount proportional to the total number of contributors, unless otherwise specified by the contributors at the time of the contribution.

(7) A contribution shall be reported on the date and for the reporting period during which it is made as specified in MAC 44-3.10(10)-S10320. (History: Sec. 23-4786(14), R.C.M. 1947; Sec. 23-4779(16), R.C.M. 1947; IMP, Sec. 23-4778 (3)(a) and (4)(a), R.C.M. 1947; Sec. 23-4779, R.C.M. 1947; NEW, MAC Notice No. 44-3-10-1; Order MAC No. 44-3-10-2; Adp. 11/13/75; Eff. 1/1/76; AMD, MAC Notice No. 44-3-10-3; Order MAC No. 44-3-10-3; Adp. 1/14/76; Eff. 2/6/76.)

44-3.10(10)-S10260 IN-KIND CONTRIBUTION, REPORTING (1)

For the purposes of Title 23, chapter 47, and these rules, an in-kind contribution shall be reported as follows:

(a) A candidate or political committee shall report an in-kind contribution on the appropriate reporting schedule and, in addition to the reporting requirements specified in MAC 44-3.10(10)-S10250, shall identify it as to its nature.

(i) Each such in-kind contribution shall be declared as an expenditure at the same value and reported on the appropriate expenditure reporting schedule and identified as an in-kind contribution. The total value of the services, property, or rights contributed in-kind shall be deemed to have been consumed in the reporting period in which received.

(b) The value of an in-kind contribution shall be determined as follows:

(i) It shall be reported at its fair market value at the time of the contribution; or

(ii) It shall be reported at the difference between the fair market value at the time of the contribution and the amount charged the contributee; or

(iii) It shall be reported at the actual monetary value or worth at the time of the contribution; or

(iv) If due to extraordinary circumstances none of the provisions of subsection (1)(b)(i), (ii), or (iii) would be appropriate or no reasonable fair market value can be established, it shall be sufficient to report a precise description of such in-kind contribution so received.

(aa) For the purpose of subsection (1)(b), the fair

market value shall be the retail price of such services, property, or rights in the market from which it ordinarily would have been purchased by the contributee at the time of its contribution. (History: Sec. 23-4786(14), R.C.M. 1947; Sec. 23-4779(16), R.C.M. 1947; IMP, Sec. 23-4779, R.C.M. 1947; NEW, MAC Notice No. 44-3-10-1; Order MAC No. 44-3-10-2; Adp. 11/13/75; Eff. 1/1/76; AMD, MAC Notice No. 44-3-10-3; Order MAC No. 44-3-10-3; Adp. 17/14/76; Eff. 2/6/76.)

COMMISSIONER OF CAMPAIGN 44-3.10(10)-S10290
FINANCES AND PRACTICES

44-3.10(10)-S10270 DEBTS AND OBLIGATIONS OWED TO A CANDIDATE OR POLITICAL COMMITTEE, REPORTING (1) Pursuant to section 23-4779(6), each report required by section 23-4778 shall disclose all debts and obligations owed to a candidate or political committee in the manner specified in subsection (2) of this rule.

(2) A reporting candidate or political committee shall report the full name and mailing address (occupation and principal place of business, if any) of each person who owes a debt or obligation to the candidate or political committee during the reporting period, including the amount, date, and nature of each debt and obligation and the total amount of debts and obligations owed by each person.

(a) If the exact amount of a debt or obligation owed to a candidate or political committee is not known, the candidate or political committee shall report the estimated amount of the debt or obligation owed.

(b) A debt or obligation owed to a candidate or political committee shall be reported on the date and for the reporting period during which the debt or obligation is contracted or a binding agreement is entered into by the candidate or political committee and another person. (History: Sec. 23-4786(14), R.C.M. 1947; Sec. 23-4779(6), R.C.M. 1947; NEW, MAC Notice No. 44-3-10-1; Order MAC No. 44-3-10-2; Adp. 11/13/75; Eff. 1/1/76.)

44-3.10(10)-S10280 LOANS AS CONTRIBUTIONS, REPORTING

(1) For the purposes of Title 23, chapter 47, and these rules, a loan shall be reported as follows:

(a) A candidate or political committee shall report a loan on the appropriate reporting schedule and, in addition to the reporting requirements specified in MAC 44-3.10(10)-S10250, shall identify it as to its nature.

(b) A loan made to a candidate or political committee by a person, other than in the regular course of the lender's business, shall be deemed a contribution by that person.

(c) A loan made to a candidate or political committee by any person in the regular course of the lender's business shall be deemed a contribution by the obligor on the loan and by any other person endorsing the loan. (History: Sec. 23-4786(14), R.C.M. 1947; Sec. 23-4779(16), R.C.M. 1947; IMP, Sec. 23-4779(5), R.C.M. 1947; NEW, MAC Notice No. 44-3-10-1; Order MAC No. 44-3-10-2; Adp. 11/13/75; Eff. 1/1/76.)

44-3.10(10)-S10290 EXPENDITURE ENCOURAGED TO AVOID CONTRIBUTION, REPORTING (1) If a candidate or political committee, or member thereof, advises, counsels, or otherwise knowingly encourages any person to make an expenditure for the

purpose of avoiding direct contributions, or for any other reason, the expenditure shall be considered a contribution by that person to the candidate or political committee encouraging the expenditure.

(2) Such contributions shall be reported pursuant to the provisions of MAC 44-3.10(10)-S10260. (History: Sec. 23-4786(14), R.C.M. 1947; Sec. 23-4779(16), R.C.M. 1947; NEW, MAC Notice No. 44-3-10-1; Order MAC No. 44-3-10-2; Adp. 11/13/75; Eff. 1/1/76.)

44-3.10(10)-S10300 EARMARKED CONTRIBUTION, REPORTING

(1) For the purposes of section 23-4737 and these rules, an "earmarked contribution" is a contribution made by a person to a candidate or political committee with the understanding, express or implied, that all or part of the contribution will be transferred to another specified candidate or political committee or expended by the recipient to support or oppose a specified candidate, ballot issue, or petition for nomination, initiative, or referendum.

(a) A contribution is not earmarked when the initial recipient is:

(i) The candidate for the benefit of whom it is to be expended;

(ii) A political committee which supports a single candidate for the benefit of whom it is to be expended;

(iii) A political committee which supports or opposes a single ballot issue or petition for nomination, initiative, or referendum for the benefit of which it is to be expended; or

(iv) A political committee which supports or opposes more than one candidate and/or issue or petition for nomination, initiative, or referendum and there is no understanding, express or implied, that all or part of the contribution will be expended for the benefit of a specified candidate and/or issue or petition for nomination, initiative, or referendum.

(2) An earmarked contribution shall be reported as follows:

(a) The intermediary candidate or political committee receiving an earmarked contribution shall report it pursuant to the provisions of MAC 44-3.10(10)-S10250 and, in addition, shall:

(i) Report it as an "earmarked contribution";

(ii) Report the name and address of the candidate or political committee for which the earmarked contribution is ultimately intended.

(b) The intermediary candidate or political committee, when transferring an earmarked contribution or thing of value received, shall report it pursuant to the provisions of MAC 44-3.10(10)-S10340 and, in addition, shall:

(i) Report it as an "earmarked contribution";

(ii) Inform the candidate or political committee ultimately receiving the transfer of the earmarked contribution of the full name and mailing address (occupation and principal place of business, if any) of the original contributor.

(c) The candidate or political committee ultimately receiving an earmarked contribution shall report it pursuant to the provisions of MAC 44-3.10(10)-S10250 and, in addition, shall:

- (i) Report it as an "earmarked contribution";
- (ii) Report it as a contribution of the original contributor, disclosing the full name, mailing address (occupation and principal place of business, if any);
- (iii) Report the full name and mailing address (occupation and principal place of business, if any) of the intermediary candidate or political committee. (History: Sec 23-4786(14), R.C.M. 1947; Sec. 23-4779(16), R.C.M. 1947; IMP, Sec. 23-4779(4) and (13), R.C.M. 1947; NEW, MAC Notice No. 44-3-10-1; Order MAC No. 44-3-10-2; Adp. 11/13/75; Eff. 1/1/76; AMD, MAC Notice No. 44-3-10-5; Order MAC No. 44-3-10-4; Adp. 4/15/76; Eff. 5/7/76.)

purpose of avoiding direct contributions, or for any other reason, the expenditure shall be considered a contribution by that person to the candidate or political committee encouraging the expenditure.

(2) Such contributions shall be reported pursuant to the provisions of MAC 44-3.10(10)-S10260. (History: Sec. 23-4786(14), R.C.M. 1947; Sec. 23-4779(16), R.C.M. 1947; NEW, MAC Notice No. 44-3-10-1; Order MAC No. 44-3-10-2; Adp. 11/13/75; Eff. 1/1/76.)

44-3.10(10)-S10300 EARMARKED CONTRIBUTION, REPORTING

(1) A contribution made by a person or political committee to another candidate or political committee for the express or implied purpose of having all or part of that contribution transferred to another candidate or political committee is an "earmarked contribution".

(2) An earmarked contribution shall be reported as follows:

(a) The intermediary candidate or political committee receiving an earmarked contribution shall report it pursuant to the provisions of MAC 44-3.10(10)-S10250 and, in addition, shall:

(i) Report it as an "earmarked contribution";

(ii) Report the name and address of the candidate or political committee for which the earmarked contribution is ultimately intended.

(b) The intermediary candidate or political committee, when transferring an earmarked contribution or thing of value received, shall report it pursuant to the provisions of MAC 44-3.10(10)-S10340 and, in addition, shall:

(i) Report it as an "earmarked contribution";

(ii) Inform the candidate or political committee ultimately receiving the transfer of the earmarked contribution of the full name and mailing address (occupation and principal place of business, if any) of the original contributor.

(c) The candidate or political committee ultimately receiving an earmarked contribution shall report it pursuant to the provisions of MAC 44-3.10(10)-S10250 and, in addition, shall:

(i) Report it as an "earmarked contribution";

(ii) Report it as a contribution of the original contributor, disclosing the full name, mailing address (occupation and principal place of business, if any);

(iii) Report the full name and mailing address (occupation and principal place of business, if any) of the intermediary candidate or political committee. (History: Sec. 23-4786(14), R.C.M. 1947; Sec. 23-4779(16), R.C.M. 1947; IMP, Sec. 23-4779(4) and (13), R.C.M. 1947; NEW, MAC Notice No. 44-3-10-1; Order MAC No. 44-3-10-2; Adp. 11/13/75; Eff. 1/1/76.)

COMMISSIONER OF CAMPAIGN 44-3.10(10)-S10340
FINANCES AND PRACTICES

44-3.10(10)-S10310 ITEMIZED ACCOUNTS OF PROCEEDS, REPORTING (1) For the purposes of section 23-4779(7), "itemized accounts of proceeds" means the nature, date, number of individuals in attendance, and total amount received from contributions of less than twenty-five dollars (\$25) per person. (History: Sec. 23-4786(14), R.C.M. 1947; Sec. 23-4779(16), R.C.M. 1947; IMP, Sec. 23-4779(7), R.C.M. 1947; NEW, MAC Notice No. 44-3-10-1; Order MAC No. 44-3-10-2; Adp. 11/13/75; Eff. 1/1/76.)

44-3.10(10)-S10320 CONTRIBUTION, WHEN MADE (1) A contribution is made on the date on which it is received; or

(2) In the case of an in-kind contribution, on the date the consideration is received by the candidate or political committee. (History: Sec. 23-4786(14), R.C.M. 1947; Sec. 23-4779(16), R.C.M. 1947; IMP, Sec. 23-4779, R.C.M. 1947; NEW, MAC Notice No. 44-3-10-1; Order MAC No. 44-3-10-2; Adp. 11/13/75; Eff. 1/1/76.)

44-3.10(10)-S10330 AGGREGATE CONTRIBUTIONS, REPORTING

(1) For the purposes of section 23-4779, the term "aggregate" means a total of all of the following for all elections in a campaign:

(a) All contributions, as defined in MAC 44-3.10(6)-S1060, made by a person to a candidate or political committee.

(b) All earmarked contributions, as defined in MAC 44-3.10(10)-S10300, subsection (1), made by a person to a candidate or political committee ultimately intended to receive them.

(c) All expenditures encouraged in order to avoid a contribution, as specified in MAC 44-3.10(10)-S10290, made in connection with a campaign. (History: Sec. 23-4786(14), R.C.M. 1947; Sec. 23-4779(16), R.C.M. 1947; IMP, Sec. 23-4779(2), R.C.M. 1947; NEW, MAC Notice No. 44-3-10-1; Order MAC No. 44-3-10-2; Adp. 11/13/75; Eff. 1/1/76.)

44-3.10(10)-S10340 EXPENDITURES, REPORTING (1) Each report required by section 23-4778 and MAC 44-3.10(10)-S10170 shall disclose all expenditures in the manner required by sections 23-4778 through 23-4779 and these rules.

(2) The reporting periods specified in section 23-4778 (3) through (5), and the provisions of MAC 44-3.10(10)-S10160 shall be used in determining the reporting schedule.

(3) The definitions of "initial report" and "reporting period", as specified in MAC 44-3.10(10)-S10180 and 44-3.10(10)-S10200, shall apply to the reporting of expenditures.

(4) An expenditure shall be reported on the date and for the reporting period during which it is made, as specified in MAC 44-3.10(10)-S10370.

(5) Expenditures made from the petty cash fund need not be reported, except that an accounting shall be maintained

pursuant to MAC 44-3.10(10)-S10210, subsection (3)(a). (History: Sec. 23-4786(14), R.C.M. 1947; Sec. 23-4779(16), R.C.M. 1947; IMP, Sec. 23-4779, R.C.M. 1947; NEW, MAC Notice No. 44-3-10-1; Order MAC No. 44-3-10-2; Adp. 11/13/75; Eff. 1/1/76.)

44-3.10(10)-S10350 IN-KIND EXPENDITURE, REPORTING (1) For the purposes of Title 23, chapter 47, and these rules, an in-kind expenditure shall be reported as follows:

(a) A candidate or political committee shall report an in-kind expenditure on the appropriate reporting schedule and, in addition to the reporting requirements specified in MAC 44-3.10(10)-S10340, shall identify it as to its nature.

(b) The value of an in-kind expenditure shall be determined as follows:

(i) It shall be reported at its fair market value at the time of the expenditure; or

(ii) It shall be reported at the difference between the fair market value at the time of the expenditure and the amount charged the expendeo.

(iii) It shall be reported at the actual monetary value or worth at the time of the expenditure; or

(iv) If due to extraordinary circumstances none of the provisions of subsection (1)(b)(i), (ii), or (iii) would be appropriate or no reasonable fair market value can be established, it shall be sufficient to report a precise description of such in-kind expenditure as made.

(aa) For the purpose of subsection (1)(b), the fair market value shall be the retail price of such services, property, or rights in the market from which it ordinarily would have been purchased by the expendeo at the time of its expenditure. (History: Sec. 23-4786(14), R.C.M. 1947; Sec. 23-4779(16), R.C.M. 1947; IMP, Sec. 23-4779, R.C.M. 1947; NEW, MAC Notice No. 44-3-10-1; Order MAC No. 44-3-10-2; Adp. 11/13/75; Eff. 1/1/76; AMD, MAC Notice No. 44-3-10-3; Order MAC No. 44-3-10-3; Adp. 1/14/76; Eff. 2/6/76.)

44-3.10(10)-S10360 REPORTING OF DEBTS AND OBLIGATIONS OWED BY A CANDIDATE OR POLITICAL COMMITTEE (1) Pursuant to section 23-4779(15), each report required by section 23-4778 shall disclose all debts and obligations owed by a candidate or political committee in the manner specified in subsection (2) of this rule.

(2) A reporting candidate or political committee shall report the full name and mailing address (occupation and principal place of business, if any) of each person to whom a debt or obligation is owed during the reporting period, including the amount, date, and nature of each debt and obligation and the total amount of debts and obligations owed to each person.

(a) If the exact amount of a debt or obligation owed by a candidate or political committee is not known, the candidate

or political committee shall report the estimated amount of the debt or obligation owed.

(b) A debt or obligation owed by a candidate or political committee shall be reported on the date and for the reporting period during which the debt or obligation is contracted or a binding agreement is entered into by the candidate or political committee and another person. (History: Sec. 23-4786(14), R.C.M. 1947; Sec. 23-4779(15), R.C.M. 1947; NEW, MAC Notice No. 44-3-10-1; Order MAC No. 44-3-10-2; Adp. 11/13/75; Eff. 1/1/76.)

44-3.10(10)-S10370 EXPENDITURE, WHEN MADE (1) An expenditure is made on the date payment is made; or

(2) In the case of an in-kind expenditure, on the date consideration is given by the candidate or political committee. (History: Sec. 23-4786(14), R.C.M. 1947; Sec. 23-4779(16), R.C.M. 1947; IMP, Sec. 23-4779, R.C.M. 1947; NEW, MAC Notice No. 44-3-10-1; Order MAC No. 44-3-10-2; Adp. 11/13/75; Eff. 1/1/76.)

44-3.10(10)-S10380 UNIFORM SYSTEM OF ACCOUNTS (1) Each person required to file reports pursuant to Title 23, chapter 47, and these rules, shall maintain a system of accounts as prescribed and published in manual form by the Commissioner. The manual, entitled "Manual of Instructions and Uniform System of Accounts for Candidates and Political Committees", may be obtained without cost and upon request from the Commissioner of Campaign Finances and Practices, P. O. Box 39, Capitol Station, Helena, Montana 59601, telephone (406) 449-2942.

(a) The uniform system of accounts provides, on a current basis, the detail and summary information necessary for preparing, directly from the accounting records, the reports required by sections 23-4778 through 23-4779 and these rules. (History: Sec. 23-4786(14) and (5), R.C.M. 1947; NEW, MAC Notice No. 44-3-10-1; Order MAC No. 44-3-10-2; Adp. 11/13/75; Eff. 1/1/76; AMD, MAC Notice No. 44-3-10-3; Order MAC No. 44-3-10-3; Adp. 1/14/76; Eff. 2/6/76.)

COMMISSIONER OF CAMPAIGN 44-3.10(10)-S10410
FINANCES AND PRACTICES

44-3.10(10)-S10390 RECORDS AND ACCOUNTS OF TREASURER

(1) A campaign treasurer or deputy campaign treasurer shall keep accounts current as specified in section 23-4783, except that accounts shall be current as of the closing date of books for a reporting period, as specified in MAC 44-3.10(10)-S10200.

(a) A deputy campaign treasurer shall periodically report to the campaign treasurer an accounting of all contributions received, all expenditures made, and all other information required by the treasurer to complete his or her reports. The accounting before the end of the reporting period shall be current as of the closing date of books for a reporting period.

(2) All records and accounts of a deputy campaign treasurer shall be transferred to the treasurer of the candidate or political committee prior to the time a candidate or political committee finally closes its books or when the position of deputy campaign treasurer becomes vacant and no successor is appointed.

(a) The treasurer shall give an itemized receipt of all records transferred.

(3) Accounts and records maintained by a campaign treasurer of a candidate or political committee shall be preserved by the campaign treasurer for a period of four (4) years, except as provided in section 23-4783(3). (History: Sec. 23-4786(14), R.C.M. 1947; Sec. 23-4778(6), R.C.M. 1947; IMP, Sec. 23-4783(1) and (3), R.C.M. 1947; NEW, MAC Notice No. 44-3-10-1; Order MAC No. 44-3-10-2; Adp. 11/13/75; Eff. 1/1/76.)

44-3.10(10)-S10400 AUTHORIZATION OF DEPUTY CAMPAIGN

TREASURER (1) The written authorization specifying the powers and duties granted the deputy campaign treasurer, as provided in section 23-4781(4), shall be maintained as a part of the permanent records required to be held by the campaign treasurer and deputy campaign treasurer, as specified in MAC 44-3.10(10)-S10390, subsection (3). (History: Sec. 23-4786(14), R.C.M. 1947; IMP, Sec. 23-4781(4), R.C.M. 1947; NEW, MAC Notice No. 44-3-10-1; Order MAC No. 44-3-10-2; Adp. 11/13/75; Eff. 1/1/76.)

44-3.10(10)-S10410 PRESERVATION OF REPORTS AND STATE-

MENTS (1) A copy of a filed statement or report of a candidate shall be preserved by the individual filing it for a period coinciding with the term of office for which the person

was a candidate or for a period of four (4) years from the date of filing a statement or report, whichever is longer.

(2) A copy of a filed statement or report of a political committee shall be preserved by the individual filing it for a period of four (4) years from the date of filing a statement or report. (History: Sec. 23-4786(14), R.C.M. 1947; Sec. 23-4780(2), R.C.M. 1947; NEW, MAC Notice No. 44-3-10-1; Order MAC No. 44-3-10-2; Adp. 11/13/75; Eff. 1/1/76.)

RECEIVED
MAR 28 1979

DEPT. OF ADMINISTRATION
INFORMATION SYSTEMS DIV.